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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/848,297	05/04/2001	Monique Gerardine Miranda Sommer	0142-0352P	9611
2292 7590 05/04/2007 BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			EXAMINER PHAM, THIERRY L	
			ART UNIT 2625	PAPER NUMBER
			NOTIFICATION DATE 05/04/2007	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

**Office Action Summary**

Application No.

09/848,297

Applicant(s)

SOMMER ET AL.

Examiner

Thierry L. Pham

Art Unit

2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 February 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### DETAILED ACTION

- This action is responsive to the following communication: an Amendment filed on 2/20/07.
- Claims 1-21 are pending.

#### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-6, 8-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hube et al (US 5229814) and in view of Anderson et al (US 6850337).

Regarding claim 1, Hube discloses a digital image production apparatus (*digital image forming system, fig. 1*) comprising:

- a print engine (*print module 95, fig. 2*);
- having a plurality of trays (*plurality of media trays 110, 112, 114, fig. 1 and fig. 2, col. 4, lines 40-50*) each of which is capable of accommodating different types of recording sheets (*i.e. transparency, standard paper, and etc., fig. 5*);
- a user interface (*user interface 52, fig. 1 & 2*); and
- an electronic control system (*controller 7, fig. 2*) for controlling print processing, including control of supply of recording sheets from the trays (*controlling print media from plurality of trays, fig. 5*) in accordance with sheet specifications (*print media specifications, fig. 5*) of print jobs (*print job with output media parameters/attributes, fig. 5-6*), wherein the control system has access to a memory (*main memory 56, fig. 2, col. 6, lines 23-60*) which stores for each tray the type of recording sheets (*col. 7, lines 20-24*) presently accommodated therein, and;
- wherein, when recording sheets of a type required for a job are not available (*requested print medias are not available, fig. 7a, steps 306-1 to 306-N, cols. 7-8*) in any of the trays, the control

system: indicates, through the user interface (*UI, fig. 5-6*), the required type (*stock request 304, fig. 7a, col. 9, lines 30-45*) of recording sheet;

- selects an eligible tray (*“load requested stock in available tray” 324, fig. 7b*) that can accommodate the required recording sheets;
- invites, through the user interface, an operator to place recording sheets of the required type in the eligible tray (*steps 324, 326, and 328, fig. 7b*); and
- automatically (*automatically starts upon detection of the requested stock, fig. 7a*), in response to receiving a confirmation signal which confirms that the operator has completed the requested action (*printing will be resumed and/or started when media is loaded/detected, fig. 7b, col. 9, lines 20-65*), assumes that the installed recording sheets are of the required type (*requested media is loaded by operators, steps 324, 326, and steps 328, fig. 7b, cols. 9-10*)

However, Hube fails to teach and/or suggest automatically stores information specifying the required type of recording sheet in a location of the memory.

Anderson, in the same field of endeavor for printer (fig. 2), teaches a well-known example of automatically detecting and storing (fig. 5, col. 2, lines 22-35) information specifying the required type of recording sheet in a location of the memory (col. 4, lines 34-50).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Hube's printer to include print media detection mechanism as taught by Anderson to automatically detecting and storing information specifying the required type of recording sheet in a location of the memory because it increases productivity of a printer coupled to one or more computers (col. 1, lines 13-16 of Anderson).

Therefore, it would have been obvious to combine Hube with Anderson to obtain the invention as specified in claim 1.

Regarding claim 2, Hube further discloses the apparatus according to claim 1, wherein, if at least one tray contains sheets of a type that is not needed (other trays contain different media types, fig. 5-7) for the current job nor any other job scheduled for processing so as to represent at least one non-targeted tray, the control system selects one of the at least one non-targeted trays (select different/substitute media type if requested media is not available, fig. 5-7) as the eligible tray.

Regarding claim 3, Hube further discloses the apparatus according to claim 1, wherein the confirmation signal is a signal indicating that a start button (start button, fig. 5) of the apparatus has been actuated.

Regarding claim 4, Hube further discloses the apparatus according to claim 1, wherein the required type of recording sheet and the eligible tray are presented to the user in the form of a dialog on a display screen (dialog on display screen, fig. 5-6) of the user interface.

Regarding claim 5, Hube further discloses the apparatus according to claim 1, further including means for replicating the user interface on a display screen of a workstation (controller 7, col. 3, lines 28-42) connected to the printer through a network (remote network, col. 3, lines 28-42).

Regarding claim 6, the apparatus according to claim 5, wherein, when the workstation is online (connecting via a modem, col. 3, lines 28-67), the message indicating (UI, fig. 5-7) a request for loading recording sheets for a specific print job is forcibly offered to the user on the workstation, irrespective of whether or not a print monitor function is activated in the workstation (figs. 5-7).

Regarding claims 8-11 recite limitations that are similar and in the same scope of invention as to those in claims 1-4 above; therefore, claims 8-11 are rejected for the same rejection rationale/basis as described in claims 1-4.

Regarding claim 12 recite limitations that are similar and in the same scope of invention as to those in claim 1 above; therefore, claim 12 is rejected for the same rejection rationale/basis as described in claim 1.

Regarding claims 13-15, Hube further discloses wherein said job is a job that is about to start (fig. 7a), and the control system, in response to receiving said confirmation signal

(confirmation of first stock request loaded, fig. 7a-7b), also starts up printing processing of the job (fig. 7a).

Regarding claims 16-18, Hube further discloses wherein said job is a job that has been started (fig. 7a), and the control system, in response to receiving said confirmation signal (confirmation of next stock requested loaded, fig. 7a-7b, and wherein print job as shown in fig. 7a contains plurality of requested stocks), also re-starts (fig. 7a shows each requested stock is processed individually and re-starts printing process each time a requested stock is loaded) print processing of the job.

Regarding claims 19-21, Anderson further teaches wherein the control system stores characteristics identifying (fig. 5, col. 2, lines 22-35) the type of sheet in a corresponding location of the memory.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hube and Anderson as described in claims 1-6 above, and in view of Moro et al (U.S. 6327051).

Regarding claim 7, Hube discloses an image forming apparatus connected via network, but fails to explicitly teach an image forming apparatus is connected to at least "two" user terminals, and transmitting message regarding paper media to at least two terminals at different timings.

Moro, in the same field of endeavor for printing, teaches image forming apparatus is connected to at least "two" user terminals (fig. 10, col. 9, lines 60-67), and transmitting message regarding paper media (error messages, fig. 28 & 41) to at least two terminals (plurality of host computers, col. 9, lines 60-67) at different timings (errors messages can be sent virtual anytime depending on timings of occurrence).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Hube as per teachings of Moro because of a following reason: (●) allowing multiple users to access a single image forming apparatus; thereby, reducing hardware costs; (●) by notifying printer's errors to multiple users, the printer's errors can be fix/response by different users and/or reducing downtime.

Therefore, it would have been obvious to combine Hube with Moro to obtain the invention as specified in claim 7.

### *Response to Arguments*

Applicant's arguments filed 2/20/07 have been fully considered but they are not persuasive.

- Regarding independent claims 1, 8, and 12, the applicants argued the cited prior arts of record (US 5229814 to Hube et al; and US 6850337 to Anderson et al) fail to teach and/or suggest a controller that selects an eligible tray that can accommodate the required recording sheets and automatically assumes that the installed recording sheets are of the required type.

In response, the examiner fully disagrees with applicants' arguments. Steps S5-S6 as shown in fig. 3 (applicants' disclosure) is taught by step S324 (Hube's disclosure); steps S7 (applicants' disclosure) is taught by S326 (Hube's disclosure); step S8 (applicants' disclosure) is taught by S328 (Hube's disclosure); step S9 is taught by step 306-1 of fig. 7A (Hube's disclosure). In comparison, if the requested stock loaded onto available media tray (steps S324, S326, and S328) as taught by Hube is *assumed* to be 100% true and accurate, then it is not necessary for Hube's controller to re-check the loaded stock in an available tray (step 306-1 of fig. 7a). In other words, if the requested stock loaded in tray 1 is assumed to be true, then re-checking in step 306-1 (fig. 7a) is unnecessary and eliminated. Notes: Print job as shown in fig. 7a contains plurality of "stock request", and wherein each "stock request" is processed individually and independently, for example, first request stock is blue, the controller then checks all available trays for blue requested stock, if none is found, then the controller asks (fig. 7b) the operator to load the blue requested stock in available tray (for example, tray 1). If the blue requested stock loaded in tray 1 is *assumed* to be true and accurate, then re-checking (step 306-1 of fig. 7a) is not necessary. The controller then processes the next requested stock (step S314, fig. 7a). Purpose of re-checking of loaded stock as taught by Hube is to prevent human's error (e.g. loading the wrong media onto available tray) and helps to eliminate wasted time and costs. If assumed human's error is none, then re-checking method of Hube is not necessary. As taught in col. 9, lines 20-65, printing is resumed when the requested media is loaded onto an available tray; therefore, the controller herein assumes the operator loads the correct media onto the available tray without further detection.

*Conclusion*

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

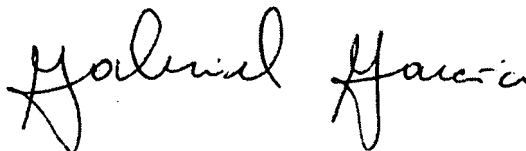
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thierry L. Pham whose telephone number is (571) 272-7439. The examiner can normally be reached on M-F (9:30 AM - 6:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David K. Moore can be reached on (571)272-7437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Thierry L. Pham



GABRIEL I. GARCIA  
PRIMARY EXAMINER